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**MAILED**

**JUN 17 2010**

In re Application of

Sessa, et al.

Application No. 10/554,252

Filed: January 18, 2007

Attorney Docket No. YU/110

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition under 37 CFR §1.137(b), filed April 21, 2010.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$755.00 and publication fee of \$300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed September 10, 2009. The Notice set forth a three (3) month statutory period for reply. A response was not received within the allowable period. Accordingly, this application became abandoned on December 11, 2009. A Notice of Abandonment was mailed December 29, 2009.

The issue fee and publication fee were received April 21, 2010.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.


There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application,

the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The Revocation of Power of Attorney and Appointment of New Attorney, filed April 21, 2010, is noted but cannot be entered as it made by the assignee that has not been empowered under 37 CFR 3.73(b) to act in the application. Petitioner may file the request again with a completed Form PTO/SB/96 that is enclosed for petitioner's convenience. The undersigned will not consider the renewed request for revocation of power of attorney and appointment of new attorney. Rather, if appropriate, the request will be made of record elsewhere in the USPTO and applicants will be notified by letter whether the requested change was made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

cc:

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Enclosure: Form PTO/SB/96